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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,856	09/25/2007	Junji Kakuchi	358275.30009	8600
32256	7590	04/14/2008		
REED SMITH LLP 3110 FAIRVIEW PARK DRIVE FALLS CHURCH, VA 22042			EXAMINER CHANDRAKUMAR, NIZAL S	
			ART UNIT 1625	PAPER NUMBER
			MAIL DATE 04/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,856

Applicant(s)

KAKUCHI ET AL.

Examiner

NIZAL S. CHANDRAKUMAR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

This application filed 09/25/2007 is a 371 of PCT/JP04/19512 12/27/2004.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1-19, drawn to compounds of the following core structure.



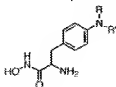
If this group is elected further restriction and requirement of election of species would be necessary depending on R.

Group 2, claim(s) 1-19, drawn to compounds of the following core structure.



If this group is elected further restriction and requirement of election of species would be necessary depending on R and R'.

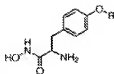
Group 3, claim(s) 1-19, drawn to compounds of the following core structure.



If this group is elected further restriction and requirement of election of species would be necessary depending on R and R'.

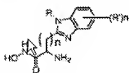
Group 4, claim(s) 1-19, drawn to compounds of the following core structure.

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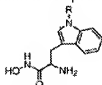
If this group is elected further restriction and requirement of election of species would be necessary depending on R.

Group 5, claim(s) 1-19, drawn to compounds of the following core structure.



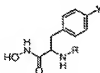
If this group is elected further restriction and requirement of election of species would be necessary depending on R and R'.

Group 6, claim(s) 1-19, drawn to compounds of the following core structure.



If this group is elected further restriction and requirement of election of species would be necessary depending on R.

Group 7, claim(s) 1-19, drawn to compounds of the following core structure.



If this group is elected, further restriction and election of species depending on R and Y would be required.

Group 8, claims 1-19 drawn to compounds not included in groups 1-7. Extensive further restriction would be required if this group is elected.

Group 9, claim 20 drawn to AGE generation inhibitor comprising compound of Group 1.

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Group 10, claim 20 drawn to AGE generation inhibitor comprising compound of Group 2.

Group 11, claim 20 drawn to AGE generation inhibitor comprising compound of Group 3.

Group 12, claim 20 drawn to AGE generation inhibitor comprising compound of Group 4.

Group 13, claim 20 drawn to AGE generation inhibitor comprising compound of Group 5.

Group 14, claim 20 drawn to AGE generation inhibitor comprising compound of Group 6.

Group 15, claim 20 drawn to AGE generation inhibitor comprising compound of Group 7.

Group 16, claim 20 drawn to AGE generation inhibitor comprising compound of Group 8.

Groups 17-25, claim 21 drawn to medicinal composition comprising compound of Group 1-8 respectively.

Groups 26-34, claim 22 drawn to food additive composition comprising compound of Group 1-8 respectively.

Groups 35-43, claim 23 drawn to cosmetic additive composition comprising compound of Group 1-8 respectively.

Groups 44-52, claim 24 drawn to cosmetic comprising according to of Group 1-8 respectively.

The inventions listed as Groups 1-52 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature in all these groups is the hydroxamide moiety of an alpha-aminoacid. This is not a contribution over the prior art because this moiety is shown in the prior art reference provided by the applicant, see Verkeyesen et al. page 42, structure on the right.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;

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- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of an invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of

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the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

The present invention relates to a compound which inhibits the generation of AGE and an AGE generation inhibitor. More specifically, the present invention relates to an AGE generation inhibitor, a medicinal composition used for treating and preventing diseases associated with AGE generation, and an additive for use in foods and cosmetics, comprising the compound as active ingredient, and a cosmetic comprising the compound.

Applicant is reminded of enablement requirement with respect to make AND use the compounds of the inventions.

The Examiner notes that the variables R, R', n, Y indicated above are intended to facilitate prosecution as well as facilitate election restriction.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of an invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIZAL S. CHANDRAKUMAR whose telephone number is (571)272-6202. The examiner can normally be reached on 8.30 AM - 4.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571 0272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nizal S. Chandrakumar

/D. Margaret Seaman/
Primary Examiner, Art Unit 1625